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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,495	01/28/2004	Frank P. Difeo	DIFEO-1	3484

7590 11/29/2006

ROBERT NATHANS
36 STAG DRIVE
BILLERICA, MA 01821

EXAMINER

RICCI, JOHN A

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Supplemental
Notice of Allowability**

Application No.

10/766,495

Examiner

John Ricci

Applicant(s)

DIFEO, FRANK P.

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 24-34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Nathans on 11/21/06.

The application has been amended as follows:

25. A yo-yo with a substantially frictionless rotary ball bearing, positioned between two separate halves of rotatable yo-yo members, said substantially frictionless bearing having a shallow concave curved outer surface, uninterrupted by the presence of a groove formed in said outer surface, for contacting a yo-yo string that tends to urge the string towards the center of said substantially frictionless bearing while the string is winding around the bearing, yet allows some lateral movement of the string, enabling efficient performance of yo-yo string layering maneuvers.

28. A yo-yo with a substantially frictionless rotary ball bearing, positioned upon a spindle between two separate halves of rotatable yo-yo members, said substantially frictionless ball bearing having a smooth continuous curved outer concave surface, uninterrupted by the presence of a groove formed in said outer surface, for supporting a yo-yo string that tends to urge the string towards the center of the bearing while the string is winding around the bearing, yet allows some lateral movement of the string, enabling efficient performance of yo-yo string layering maneuvers.

32. A method of enhancing efficient performance of yo-yo string layering maneuvers comprising supplying a yo-yo manufacturer with a substantially frictionless rotary ball bearing, configured to surround a spindle positioned between two separate halves of rotatable yo-yo members, said substantially frictionless ball bearing having a shallow curved concave outer surface, uninterrupted by the presence of a groove formed in said outer surface, for

contacting a yo-yo string that tends to urge the string towards the center of said substantially frictionless ball bearing while the string is winding around the bearing, yet allows some lateral movement of the string.

* * * * *

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references show yo-yos having a ball bearing, with no groove in the surface.

* * * * *

The following is an examiner's statement of reasons for allowance: The prior art does not disclose a yo-yo having a rotary ball bearing with a curved concave outer surface with no groove, which contacts the yo-yo string and tends to urge the string towards the center of the bearing, yet allows some lateral movement. Isaacson 3,175,326 shows a yo-yo with a ball bearing with a channel 16 having straight sloping sides with a central groove; this is not considered concave, which is defined as "curved like the inner surface

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of a sphere" (American Heritage Dictionary, Second College Edition). As applicant has pointed out, this system does not allow substantial lateral movement of the string (page 2, bottom paragraph). Although other references such as Van Den Elzen 6,089,945 show a spindle with a concave groove, any combination with Isaacson would defeat the groove 16 required by Isaacson.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

* * * * *

This letter was prepared by Examiner John Ricci, who can be reached at:

Voice: 571-272-4429

Fax: Use 571-273-8300 for papers to be delivered directly to the mail room, like formal amendments and responses, change of address, power of attorney, petitions.

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Use 703-783-0439 for papers to be delivered directly to the Examiner, like informal or proposed responses for discussion, or notes in preparation for an interview.

Response by Fax is encouraged to reduce mail processing time. Please don't send duplicate papers by mail and Fax.

PTO main switchboard: 800-786-9199.

Visit our Web site at www.uspto.gov.

sch Ricci

**JOHN RICCI
PRIMARY EXAMINER
ART UNIT 3711**